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SUPPLEMENT 1

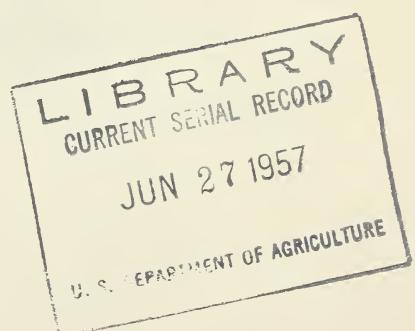
to

Service and Regulatory Announcement No. AMS-93

REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
FRUIT AND VEGETABLE DIVISION

Washington, D. C.
June 1957



UNITED STATES DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE
 WASHINGTON, D. C.

SUPPLEMENT 1 TO SRA-AMS-93 (Revised January 4, 1957)

Sections 51.21 (b), 51.31, 51.57, 51.58 and 51.59 of Service and Regulatory Announcements No. 93 (Revised Jan. 4, 1957) REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF FRUITS, VEGETABLES, AND OTHER PRODUCTS¹ (7 CFR 51.1 through 51.59) was amended effective June 11, 1957 by deleting the same and inserting in lieu thereof the following:

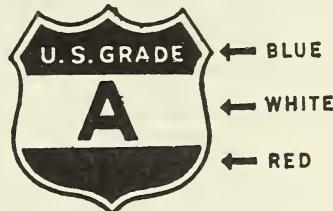
§ 51.21 Disposition of certificates and samples. (a) * * *

(b) If it is necessary to take samples of the product to the inspection office for further examination the inspector, after completion of inspection of such samples shall dispose of them as follows: Ascertain from the applicant if the owner wants the samples returned to him at his expense. If he does not want them so returned the inspector shall give them to a nonsectarian charitable organization or, if they have a substantial monetary value, sell them and remit the proceeds to the Agricultural Marketing Service. Such proceeds shall be deposited to the credit of the inspection trust fund in order partially to cover the inspection costs.

§ 51.31 Superseded certificates. When an original inspection certificate shall have been superseded by an appeal inspection certificate, such original inspection certificate shall not thereafter represent the quality or condition of the product described therein. If the original and all copies of the superseded certificate have not previously been submitted to the person receiving the application for appeal inspection, the officer issuing the superseding certificate shall forward notice of such issuance and of the superseding of the original certificate to such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

§ 51.57 Approved identifications. (a)

The approved grade shield may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection provided by the Department or by a Federal-State inspection service; (2) the plant in which the product is packed is maintained under good commercial sanitary practices, and (3) the product has been certified by an inspector as meeting the requirements of U. S. Grade A, U. S. Grade No. 1, or a higher U. S. grade as shown within the shield. The grade shield approved for use shall be similar in form and design to the examples in Figures 1 and 2 of this section.



Shield using red, white and blue background.

FIGURE 1.

¹ Among such other products are the following: Raw nuts, Christmas trees and greens; flowers and flower bulbs; and onion sets.



Shields with plain background.

FIGURE 2.

(b) The approved continuous inspection marks may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection provided by the Department or by a cooperative Federal-State inspection service, (2) the plant in which the product is packed is maintained under good commercial sanitary practices; and (3) the product meets the requirements of one or more of the official U. S. Grades or such quality specifications as may be approved by the Administrator and such grades or specifications are used on the containers, labels or otherwise indicated on the package. The continuous marks approved for use shall be similar in form and design to the examples in Figures 3 through 5 of this section.



Statement enclosed within a shield.

FIGURE 3.

PACKED UNDER
CONTINUOUS
INSPECTION
OF THE
U. S. DEPT. OF
AGRICULTURE

FIGURE 4.

PACKED BY

UNDER CONTINUOUS
FEDERAL-STATE
INSPECTION

FIGURE 5.

Statements without the use of the shield.

(c) The grade marks set forth in paragraph (a) of this section and the inspection marks set forth in paragraph (b) of this section may be combined into a consolidated grade and inspection mark for use on products which meet the requirements of both of these paragraphs.

(d) Products may be inspected on a lot inspection basis as provided in this part and identified by an official inspector by stamping the packages with a device having an official inspection mark similar in form and design to Figure 6 of this section. The use of this mark or other comparable identification marks may be required by the Administrator whenever he determines that such identification is necessary in order to maintain the identity of lots which have been inspected and certified.

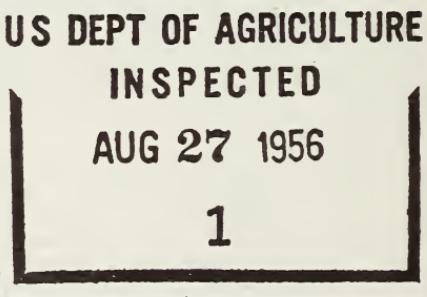


FIGURE 6.

§ 51.58 *Custody of official inspection marking devices.* All official inspection devices marked as shown in Figure 6 of § 51.57 shall be kept in the custody of the Agricultural Marketing Service and accurate records shall be kept of these devices. Each inspection office shall keep a record of the devices assigned to it. Such devices shall be distributed only to authorized employees of the Department who shall keep the devices in their official possession or control at all times and keep complete records of such devices.

§ 51.59 Continuous inspections. Continuous inspection service which is associated with the use of the approved shield showing the U. S. grade, the approved continuous inspection mark, or both, on the container may be furnished whenever inspectors are available, the facilities and conditions are satisfactory for the conduct of the service, and there is a signed contract between the applicant and the Department or a cooperative Federal-State inspection agency in which it is agreed that such service will be conducted subject to regulations governing the inspection and certification of fresh fruits, vegetables, and other products, contained in this part and any additional and supplemental instructions issued by the Department or such instructions issued by a cooperating agency which are not inconsistent with those issued by the Department.

§ 51.60 Survey. Prior to the inauguration of continuous Federal or Federal-State inspection service on a contract basis, the Administrator will make or cause to be made a survey and inspection where such service is to be performed to determine whether the premises, plant and facilities are suitable and adequate for the performance of such service in accordance with the regulations in this part, including, but not limited to requirements contained in §§ 51.58 through 51.65.

§ 51.61 Premises. The premises shall be free from conditions objectionable to packing operations, including, but not limited to litter, waste and refuse within the immediate vicinity of the plant buildings, excessively dusty roads, yards or parking lots, and poorly drained areas.

§ 51.62 Buildings and structures. The packing plant buildings shall be properly constructed and maintained in a sanitary condition, including, but not limited to the following requirements:

(a) There shall be sufficient light consistent with the use to which the particular portion of the building is devoted and to permit efficient cleaning. The grading belts and bins shall be provided with sufficient proper non-glaring light to insure adequacy of grading and inspection operations;

(b) If the product is washed there shall be ample supply of water of a safe and sanitary quality with adequate facilities for its distribution throughout the plant and washing machinery;

(c) There shall also be an efficient waste disposal and plumbing system maintained in good repair;

(d) Each room in which the product is graded or stored shall be designed and constructed as to insure operating conditions of a clean and orderly character and shall be maintained in a clean and sanitary manner.

(e) Every practical precaution shall be taken to exclude dogs, cats, rodents or other vermin from the rooms in which the products are to be graded or stored.

§ 51.63 Facilities. Each packing plant shall be equipped with adequate sanitary facilities and accommodations, including but not being limited to the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample in size and conveniently located. Toilet rooms shall be adequately screened and equipped with self-closing doors, and shall have independent outside ventilation.

(b) Adequate lavatory accommodations and supplies shall be placed at such locations in or near toilet rooms as to insure the cleanliness of each person who grades or handles the product to be inspected.

(c) Suitable facilities for cleaning shall be provided at convenient locations in the plant.

§ 51.64 Equipment. All equipment used for receiving, washing, grading, packaging or storing shall be of such design, material and construction that it may be kept clean.

§ 51.65 Operations and operating procedures. (a) The inspector shall refuse to permit the use of the official shield or continuous inspection mark on packages if the product is from a field or orchard having a disease or other condition which may not be apparent on individual specimens at packing time but which may cause the product to materially decrease in quality after packing.

(b) All products which are certified shall be subjected to continuous inspection throughout the packing operations and shall also be inspected when loaded for shipment.

(c) The inspectors are available for consultation purposes but shall not become involved in plant operations.

(d) The inspection service will not be responsible for damages occurring through any act of commission or omission on the part of its inspectors when engaged in rendering continuous inspection service; for packing errors or misbranding of products; or for failure to supply enough inspectors during any

period of service provided under the contract.

(e) The applicant for continuous inspection shall:

(1) Conform to all applicable regulations under which the continuous inspection service is conducted.

(2) Use only raw material which has been handled or stored under conditions which insures its suitability for packing; maintain the plant designated herein in such sanitary condition and to employ such methods of handling raw materials for packing as may be necessary to conform to the sanitary requirements prescribed in this part.

(3) Not permit any of his marks or labels or buyers' and distributors' marks or labels applied by him on which reference is made to continuous inspection to be used on any product not packed under this continuous inspection service; or permit any of his marks or labels or buyers' and distributors' marks or labels applied by him on which reference is made to any U. S. Grade to be used on any product which does not meet the requirements of such grade; or to supply labels bearing reference to continuous inspection service to another plant unless the products to which such labels are to be applied have been packed under continuous inspection.

(4) Furnish any reports of packaging and output of products inspected, as may be requested by the inspection agencies.

(5) Make available to inspectors adequate office space in the designated plant and furnish suitable desks and office equipment for the proper care of inspection records.

(6) Make his laboratory facilities and necessary equipment available for the use of inspectors in making inspection of samples.

(7) Furnish such stenographic and clerical assistance as may be necessary in the typing of certificates and reports and the handling of official correspondence, as well as the labor incident to drawing of samples and facilitating adequate inspection procedure when necessary.

(8) Submit to the Agricultural Marketing Service, through the inspector assigned to the plant or other representative of the Inspection Service for approval prior to use copies or proof of each packer's or distributor's label bearing or referring in any manner to official identification of the designated packaged products hereunder.

(9) Not make deceptive, fraudulent, or unauthorized use in his advertising, or otherwise, of the continuous inspection service, the inspection certificates or reports issued, or the containers on which the shield of the Department is embossed or otherwise identified, in connection with the sale of any of packaged products; and to submit to the Agricultural Marketing Service through the inspector assigned to the plant or other representative of the Inspection Service, for approval to use any proposed advertising in which reference is made to the Inspection Service.

§ 51.66 *Termination of contract.* In case the applicant wishes to terminate the contract he agrees either to continue the service until all unused containers, labels and advertising material on hand or in possession of his supplier bearing the Department shield, or reference to continuous inspection service have been used, or to destroy said containers, labels and advertising material, or to obliterate the Department shield and all other reference to the continuous inspection service on said container, labels and advertising material, or otherwise furnish assurance satisfactory to the Agricultural Marketing Service that such containers, labels and advertising material will not be used in violation of the terms and conditions of this agreement. In case the continuous inspection service is terminated for cause by the Agricultural Marketing Service, the applicant agrees to destroy all unused containers, labels and advertising material on hand bearing the Department shield, or reference to continuous inspection service, or to obliterate the Department shield, and all reference to the continuous inspection service on said containers, labels, and advertising material or otherwise furnish assurance satisfactory to the Agricultural Marketing Service that such containers, labels and advertising material will not be used in violation of the terms and conditions of the agreement.

§ 51.67 *Congressional interest in contracts.* No member of, or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract provided for in the regulations in this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not extend to any benefits that

may accrue from the contract to a member of, or Delegate to Congress, or a Resident Commissioner in his capacity as a farmer.

Notice of proposed rule making, public procedure thereon, and postponement of the effective time of this document, later than the date of its publication in the **FEDERAL REGISTER** (see sec. 4 of the **Administrative Procedure Act**; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest in that § 51.31 is changed only to correct an error in previous publication, and that for the most part, the added requirements set forth above have heretofore been incorporated in the individual contracts which have been entered into with the respective applicants for continuous inspection service as a condition precedent for the affording of the continuous inspection service. The incorporation herein of such additional requirements will merely afford a ready reference to the same and avoid the necessity hereafter of setting forth such requirements in detail in each such contract. In any event, such additional requirements are obviously necessary for the efficient performance of such continuous inspection service.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated this 4th day of June to become effective as of the date of the publication of this document in the **FEDERAL REGISTER**.

[SEAL] **FRANK E. BLOOD,**
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-4629; Filed, June 10, 1957;
8:45 a. m.]

Information regarding the Inspection Service for
Fresh Fruits and Vegetables may be obtained from
Chief, Fresh Products Standardization
and Inspection Branch
Fruit and Vegetable Division
Agricultural Marketing Service
United States Department of Agriculture
Washington 25, D. C.

SUPPLEMENT II TO SRA-AMS-93 (Revised January 54, 1958) *

Sections 51.37 and 51.45(d) of Service and Regulatory Announcements No. 93 (Revised Jan. 4, 1957) REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS¹ (7 CFR 51.1 through 51.67) was amended effective July 1, 1958 by deleting the same and inserting in lieu thereof the following:

§51.37 Basis for charges. (a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department, except for peanuts, pecans, and other nuts, shall be on the following basis: (1) For an inspection covering quality and condition, \$12.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and \$8.00 when the quantity involved is not more than one-half of such carload but the maximum fee for any carload not exceeding the customary size which contains more than one kind of a product shall be \$24.00; (2) For an inspection covering condition-only, \$10.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and \$7.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition-only inspection of any carload not exceeding the customary size which contains more than one kind of a product shall be \$20.00; (3) When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and carload rates aforesaid applied: *Provided*, That such fractions shall be calculated in terms of fourths or next higher fourths.

(b) **Base fee for peanuts, pecans, or other nuts.** The base fee for peanuts (shelled), pecans, or other nuts shall be \$15.00 for each lot of the customary carload size for such products in the area from which shipped: *Provided*,

That the fee shall be adjusted on an approximately proportional basis to determine the fee for any size lot which is smaller or larger than a carload of the customary size based either on number of pounds or number of containers: *And provided further*, That the minimum fee shall be \$10.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be \$1.50 per ton.

(c) When inspections are made on which formal certificates are not issued, as provided in §51.19, or when the products inspected cannot readily be calculated in terms of carlots or when samples are drawn, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of \$4.50 per hour, or the charges may be based on the number of pounds or number of containers in the lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

(d) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays or at any other periods which are outside the inspector's regular scheduled workweek, the charge for inspection shall be \$2.25 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

§51.45 Schedule of fees. * * *

(d) **Base fee for peanuts, pecans, or other nuts.** The base fee for peanuts (shelled), pecans, or other nuts shall be \$15.00 for each lot of the customary carload size for such products in the area from which shipped: *Provided*, That the fee shall be adjusted on an approximately proportional basis to

¹ Among such other products are the following: Raw nuts, Christmas trees and greens; flowers and flower buds; and onion sets.

determine the fee for any size lot which is smaller or larger than a car-load of the customary size based either on number of pounds or number of containers: *And provided further*, That the minimum fee shall be \$10.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for farmers' stock peanuts (unshelled) shall be \$1.50 per ton.

Notice of proposed rule making, procedure thereon, and postponement of the effective time of this document later than July 1, 1958 (see Section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service rendered; (2) the cost of such service is peculiarly within the knowledge of the Department and

the fees set forth herein are necessary to more nearly cover such cost including, but not limited to increased salaries to Federal employees required by recent legislation (Public Law 462, 85th Congress, 2d Session, approved June 20, 1958); (3) it is imperative that the increase in fees become effective with the commencement of the new fiscal year; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: June 24, 1958, to become effective July 1, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-4971; File, June 27, 1958;
8:54 a. m.]

Issued August 1958

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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
WASHINGTON, D. C.

SUPPLEMENT III TO SRA-AMS-93 (Revised January 4, 1957)

Section 51.21 (a) of Service and Regulatory Announcements No. 93 (Revised Jan. 4, 1957) REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS¹ (7 CFR 51.1 through 51.67) was amended effective November 1, 1958 by deleting the same and inserting in lieu thereof the following:

§ 51.21 *Disposition of certificates and samples.* (a) The original certificate, and not to exceed four copies (if requested by applicant prior to issuance), shall be delivered or mailed promptly to the applicant or to a person designated by him. One copy shall be filed in the office of the inspector when the inspection is made by a Federal Government employee, otherwise, it shall be filed in the appropriate office of the cooperating State Agency. Unless otherwise directed by the Administrator, one copy of each official certificate issued on products received in destination markets shall be forwarded to the Administrator to be kept on file in Washington and no copies of official certificates issued at shipping point need be so forwarded. In the case of any product covered by a marketing agreement and/or order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), at least one copy of each certificate covering the inspection of such product shall, on request, be delivered to the administrative agency established thereunder, subject to such terms and conditions as the Administrator may prescribe. Copies may be furnished to other interested parties as outlined in § 51.41.

Notice of proposed rule making, public procedure thereon, and postponement of the effective date of this document later than November 1, 1958 (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impractical, unnecessary, and contrary to the public interest for the reasons that: (1) § 51.21 (a) is changed only with respect to inspectors forwarding copies of certificates to Washington, D. C. for filing; and (2) persons using the inspection service are not affected by this change in the regulations.

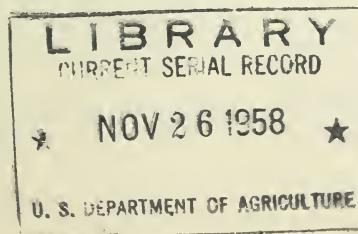
(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Done at Washington, D. C., the 14th day of October 1958, to become effective November 1, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-8642; Filed, Oct. 17, 1958;
8:47 a. m.]

¹ Among such other products are the following: Raw nuts, Christmas trees and greens; flowers and flower buds; and onion sets.



Issued October 1958

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UNITED STATES DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service U. S. DEPARTMENT OF AGRICULTURE

Washington, D.C.

X SUPPLEMENT IV TO SRA-AMS-93 (Revised January 4, 1957) X

Sections 51.37 and 51.45(d) of Service and Regulatory Announcements No. 93 (Revised Jan. 4, 1957) REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS¹ (7 CFR 51.1 through 51.67) was amended effective August 15, 1960 by deleting the same and inserting in lieu thereof the following:

§ 51.37 Basis for charges.

(a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department, except for peanuts, pecans, and other nuts, shall be on the following basis: For an inspection covering quality and condition, \$15.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and \$9.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for any carload not exceeding the customary size which contains more than one kind of a product shall be \$30.00. For an inspection covering condition-only, \$12.00 when the quantity involved is more than one-half of carload of the customary size for such products in the area from which shipped but not more than a full carload, and \$8.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition-only inspection of any carload not exceeding the customary size which contains more than one kind of a product shall be \$24.00. When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and carload rates aforesaid applied: *Provided*, That such fractions shall be calculated in terms of fourths or next higher fourths.

(b) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be 60 cents per ton: *Provided*, That the minimum fee shall be \$12.00 per lot, the

different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be \$1.65 per ton.

(c) When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carlots or when samples are drawn, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of \$5.00 per hour, or the charges may be based on the number of pounds or number of containers in the lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

(d) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays or at any other periods which are outside the inspector's regular scheduled work week, the charge for inspection shall be \$2.50 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

§ 51.45 Schedule of fees.

* * * * *

(d) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be 60 cents per ton: *Provided*, That the minimum fee shall be \$12.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be \$1.65 per ton.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this revision later than August 15, 1960 (5 U.S.C. 1001-

¹ Among such other products are the following: Raw nuts, Christmas trees and greens; flowers and flower buds; and onion sets.

1011) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall, as nearly as possible, cover the cost of the service rendered; (2) the increases in fees set forth herein are necessary to more nearly cover such cost including, but not limited to, increased salaries to Federal employees required by recent legislation (Public Law 86-568); (3) it is imperative that the increase in fees become effective in time to meet such increased costs; and (4) additional

time is not required by users of the inspection service to comply with this revision.

(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: August 1, 1960, to become effective at 12:01 a.m., August 15, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-7260; Filed, Aug. 3, 1960;
8:52 a.m.]